

REMARKS

Applicants have carefully reviewed the Application in light of the Office Action mailed December 13, 2005. At the time of the Office Action, Claims 1-5, 7, 9-13, 16-27, and 29-40 were pending in the Application. Applicants amend Claims 34, 36, 38, and 40 without prejudice or disclaimer. Applicants' amendments have been done to advance prosecution in this case and not to overcome prior art. Applicants respectfully request reconsideration of the pending claims and favorable action in this case.

Section 103 Rejections

The Examiner rejects Claims 1, 3, 10, 16, 23, 25, 30, 34-37, and 38-40 under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 6,965,947 issued to Hild et al. (hereinafter "*Hild*") in view of U.S. Patent No. 6,785,223 issued to Korpi, et al. (hereinafter "*Korpi*"). Applicants respectfully traverse these rejections for the following reasons. To defeat a patent under 35 U.S.C. §103(a), the claimed *combination* must be obvious. *Kimberly-Clark Corp. v. Johnson & Johnson*, 745 F.2d 1437, 223 U.S.P.Q. 603 (Fed. Cir. 1984). Therefore, it is essential to view the invention as a whole, taking each element into account as well as the advantages, properties, utilities, and results of the invention. *In re Chupp*, 816 F.2d 643, 2 U.S.P.Q.2d 1437 (Fed. Cir. 1987).

Applicants respectfully submit that the combination of *Hild* and *Korpi* as proposed by the Examiner fail to disclose, teach, or suggest, expressly or inherently, each limitation recited in Applicants' Claims 1, 3, 10, 16, 23, 25, 30, 34-37, and 38-40. For example, *Hild* does not disclose, teach, or suggest "communicating protocol capabilities to the station in response to initiation of the call, wherein the protocol capabilities comprise the protocol capability of at least one remotely located transcoder." Instead, *Hild* only discloses selecting "a transcoder in response to receiving a request for content. The process begins by receiving a request from a client (step 600). In these examples, the request includes a [document type definition], an application, a device, and a user in addition to an identification of the content desired by the client." Col. 5, ll. 54-59. "[I]f a match is found in any of these searches, the identified transcoder is used to translate the content (step 622) . . ." Col. 6, ll. 12-14. However, *Hild* does not disclose, teach, or suggest "communicating protocol capabilities to

the station in response to initiation of the call, wherein the protocol capabilities comprise the protocol capability of at least one remotely located transcoder” as recited in Claim 1. This deficiency is not cured by combining *Hild* and *Korpi* as proposed by the Examiner.

As another example, *Hild* does not disclose, teach, or suggest “selecting the transcoder from a plurality of transcoders based on a priority” as recited in Claim 1. In contrast, *Hild* discloses that “[t]he selection of the transcoder is based on the request and in particular based on the parameters included in the request.” Accordingly, *Hild* does not disclose, teach, or suggest “selecting the transcoder from a plurality of transcoders based on a priority.” This deficiency is not cured by combining *Hild* and *Korpi*.

Furthermore, the combination of *Hild* and *Korpi* does not disclose, teach, or suggest “initiating a transfer of the call to the transcoder to establish a first link between the station and the transcoder; and initiating establishment of a second link with the transcoder to enable media exchange with the station using the protocol capability of the transcoder.” The Examiner recognizes that deficiency in *Hild* and relies on *Korpi*. *Office Action*, p. 5. *Korpi* discloses “[p]rimary and secondary gatekeepers (104a, 106a) establish a supervisory link (1b) with one another while the media connection is set up between client terminals (112a, 114a).” *Abstract*. This, however, does not cure the deficiency. Accordingly, *Hild* and *Korpi*, alone or in combination, fail to disclose, teach, or suggest at least this limitation. Therefore, Applicants respectfully request reconsideration and allowance of independent Claim 1 and its dependents.

Independent Claims 16, 23, 30, 34-36, and 38-40 each recite certain limitations that, for reasons substantially similar to those discussed with reference to independent Claim 1, *Hild* and *Korpi*, alone or in combination, do not disclose, teach, or suggest. Therefore, Applicants respectfully request reconsideration and allowance of independent Claims 16, 23, 30, 34-36, and 38-40 together with their dependents.

The Examiner rejects Claims 2, 4-5, 7, 9, 11-13, 17-22, 24, 26-27, 29, and 31-33 under 35 U.S.C. §103(a), as being unpatentable over *Hild* and *Korpi* in view of U.S. Patent No. 6,731,625 issued to Eastep et al. (hereinafter “*Eastep*”). Applicants respectfully submit that the combination fails to disclose, teach, or suggest the limitations recited in Applicants’ claims.

First, Claims 2, 4-5, 7, 9, 11-13, 17-22, 24, 26-27, 29, and 31-33 incorporate limitations of their respective independent claims, which Applicants have shown to be allowable. For at least this reason, Claims 2, 4-5, 7, 9, 11-13, 17-22, 24, 26-27, 29, and 31-33 are allowable over the prior art.

Second, *Hild* and *Korpi*, alone or in combination, fail to disclose, teach, or suggest each and every limitation of Claim 1. These deficiencies are not cured by combining *Hild* and *Korpi* with *Eastep*. Accordingly, Applicants respectfully request reconsideration of Claims 2, 4-5, and 7, because they depend from Claim 1, which has been shown to be allowable.

Similarly, independent Claims 16, 23, 30, and 36 incorporate limitations that *Hild* and *Korpi*, alone or in combination, fail to disclose, teach, or suggest similar to those discussed with reference to independent Claim 1. The combination of *Hild*, *Korpi*, and *Eastep* falls short of disclosing, teaching, or suggesting each and every limitation recited in Applicants' claims. Therefore, Applicants respectfully request reconsideration and allowance of Claims 9, 11-13, 17-22, 24, 26-27, 29, and 31-33 because they depend from Claims 16, 23, 30, and 36, which have been shown as allowable.

CONCLUSION

Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicants respectfully request reconsideration and allowance of the pending claims.

Applicants believe that no fee is due. If this is not correct, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicants invite the Examiner to contact its attorney Keiko Ichiye at (214) 953-6494.

Respectfully submitted,
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